

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON

DAVID FRANKLIN WEST (Name of Plaintiff)	CV06	1453 J
SNOHOMISH COUNTY JAIL	CIVIL I	RIGHTS COMPLAINT RISONER UNDER 42
DAVID OSTER, NIKKI BAHNER		
PAT PENDRY, OFFICER HOWARD STEVE THOMPSON/DIRECTOR (Names of Defendants)		
I. Previous Lawsuits:		
A. Have you brought any other lawsuits in	n any federal court in the U	Inited States while a prisoner:
B. If your answer to A is yes, how many?: below. (If there is more than one lawsuit, describe the same outline.)		
1. Parties to this previous lawsuit:		
Plaintiff		
Defendants		

	. /			MEMIN	
3	3. Docket Number				
4	4. Name of judge to who	m case was assigned			
:	5. Disposition (For example appealed? Is it still pend				
(6. Approximate date of fi	•			
,	7. Approximate date of d	isposition			
II. Place o	f Present Confinement:	SNO HOMISH Co.	JAIL I	3025 OAK Euerett,	ES AVE. WA. 98201
	Is there a prisoner grieva				
В.	Have you filed any grieva	ances concerning the fac	ts relating	to this complain	ut?
				Ø Yes	□ No
	If your answer is NO	, explain why not			· · · · · · · · · · · · · · · · · · ·
C.	If your answer is NO	. , , , , , , , , , , , , , , , , , , ,			□ No
C.	Is the grievance process of If your answer is YES	. , , , , , , , , , , , , , , , , , , ,	OF THE]	Ø Yes	□ No 'ANCE
	Is the grievance process of If your answer is YES	completed?	OF THE]	Ø Yes	□ No 'ANCE
III. Partic	Is the grievance process of If your answer is YES RESOLUTION for a	completed? S, ATTACH A COPY any grievance concern	OF THE <u>l</u> ing facts r	PYes FINAL GRIEV elating to this	□ No ANCE case.
III. Partic	Is the grievance process of If your answer is YES RESOLUTION for a to this Complaint	completed? S, ATTACH A COPY any grievance concern D FRANKLIN L	OF THE] ing facts r	PYes FINAL GRIEV elating to this	□ No VANCE case. • No.: 9/987
III. Partie: A. : (In l of e	Is the grievance process of If your answer is YES RESOLUTION for a to this Complaint Name of Plaintiff: DAV	S, ATTACH A COPY any grievance concern ARES AVE., E ull name of the defendar for the names, positions	OF THE] ing facts r JEST VERETT	EYes FINAL GRIEV elating to this Inmate (MA, 98)	No No.: 9/987 20 and his/her place

LIST OF E	ARTIES INVOLVED
, , , , , , , , , , , , , , , , , , ,	EIR ADDRESSES
PLAINTIFF:	
2 DAVID FRANKLIN WEST	FILED FOLED NAZASI
ID#91987	RECEIVED (
3025 OAKES AVE.	CO1 0 0 000 AL STATE
EVERETT, WA, 98201	CLERK U.S. DESTRICT COURT WILSTERN DISTRICT OF WASHINGTON BY DEPUTY
DEFENDANTS:#3-7	The second secon
3 STEVE THOMPSON DIRECTOR	R REPRESENTING
·	TIONS LCOUNTY OF SHOHOMISH
3025 OAKES AVE	
EVERETT, WA. 98201	
A DAVID OSTER /CLASSIFIC	ATION SUPERVISOR
3025 OAKES AVE.	
EVERETT, WA. 98201	
/	· · · · · · · · · · · · · · · · · · ·
6) NIKKI BAHNER / MEDICA	L SUPERVISOR
3025 OAKES AVE.	
EVERETT, WA. 98201	-
@ PAT PENDRY /CLASSIFIC	
ZOZE ONLEC OLE	- / /_ / _/O_/N
3025 OAKES AVE.	

OFFICER HOWARD

3025 OAKES AVE.

EVERETT. WA. 98201

· · · · · · · · · · · · · · · · · · ·	2 / 22 24 8 252 462
C. Additional defendants NIKKI BAHNER	C IMEDICAL SUPERVISOR,
SNOHMISH CO. JAIL - PAT PEN	DRY /CLASSIFICATION, SNOHOMISH
CO. JAIL - OFFICER HOWARD	IMODULE OFFICER, SUCHOMISH
CO. AAIC,	STEVE THÓMPSON!
PIRECTOR, SNOHOMBH CO	JAIL/COUNTY OF SNOHOMISH

IV. Statement of Claim

(State here as briefly as possible the <u>facts</u> of your case. Describe how each defendant is involved, including dates, places, and other persons involved. <u>Do not give any legal arguments or cite any cases or statutes</u>. If you allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.)

D SINCE BOOKING, WHEN I INFORMED TAIL STAFF OF MY BROKEN TEETH AND EXCRUCIATING PAIN, I HAVE FILED MORE THEN 10 REQUESTS TO BE SEEN BY DENTAL /MEDICAL (NIKKI BAHNER). EACH ONE I SENT I INFORMED THEM IT WAS AN EMERGENCY. I STILL HEVER RECIEVED EVEN ONE ANSWER BACK. AFTER THREATENING LEGAL ACTION ON 9/20/06, I WAS CHECKED BY A NURSE AND RECIEVED MEDICATION ON 9/21/06.

Q) AFTER REPORTING TO (OFFICE HOWARD) THE EVENING OF 9(16/06, THAT I WAS BEING THREATENED BY INMATES. I TOLD HIM I WANTED NO TROUBLE AND ASKED TO BE MOVED TO ANOTHER MODULE, I WAS HANDCUFFED AND LED AWAY TO THE SOLITARY CONFINMENT UNIT. I WAS LEFT THERE 4 HOURS WITHOUT BEDDING AND VERY COLD. I WAS IGHORED AND TREATED WITH CRUELTY AND THE UNUSUAL PUNISHMENT, WHILE THE INMATES RESPONSIBLE LAY WARM AND COZY IN THEIR BEDS WHEN I WAS FINALLY MOVED TO A BETTER UNIT 3 DAY'S HAD PASSED.

B) AFTER INFORMING MENTAL HEALTH OVER AND OVER OF MY EXTREME ANXIETY LEVEL DUE TO MY DISABILITY (A.D.H.D. - PERSONALITY DISORDER - PRONE TO PSYCHOTIC EPISONES I LET (PAT PENDRY) WHO WAS DOING THE BUALUATION THAT I AM PRESCRIBED (125 MG AMITRIPTYLENE) BEFORE BED. SHE WENT OVER MY HISTORY OF ABUSE BY MY FATHER AND MY SOCIAL SECURITY CLAIM AND SAID SHE WOULD HAVE THE NURSE'S START MY MEDS, NO ACTION WAS EVER TAKEN. THAT WAS ON OR ABOUT 9/14/06.

IV. STATEMENT OF CLAIM CONTINUES

- AFTER MAKING NUMEROUS REQUESTS TO BE ALLOWED

 TO GO TO THE LAW LIBRARY TO CHALLENGE THE

 CONDITIONS OF MY INCARCERATION (ie. 9/12/06, 9/19/06, 9/20/06, 9/21/06...) I WAS CONTINUALLY TO

 IGNORED AND DENIED "ACCESS TO COURTS" BY BOTH

 (PAT PENDRY AND DAVID OSTER) EVEN AFTER

 QUOTING THE SUPREME COURT OF THE UNITED

 STATES.
- E) AFTER WRITTING REQUESTS (9/22/06, 9/23/06, 9/24/06, 9/25/06, 9/26/06, 9/27/06) WITHOUT EVEN ONE ANSWER TO THIS DAY, TO THE FACT THAT I AM IN SERIOUS EXCRUCIATING PAIN FROM AN APRIL 13, 1998 AUTO ACCIDENT WHICH HAS LEFT ME WITH A FUSION AT C2-C3, (c2 HANGMANS FRACTURE), HERNIATED DISKS AT C4-C5-C6, WEDGING AT T8-T9, DEGENERATIVE DISK DISEASE WHICH HAS LEFT ME WITH ALMOST NO DISKS (BONE TO BONE) IN MY ENTIRE LUMBAR REGION. I ONLY ASK FOR AN EXTRA MAT TO TAKE OFF SOME PRESSURED AND I ASKED FOR MY MEDS TO BE STARTED AND I TOLD THEM THE HOSPITAL WHERE TO VERIFY.

IV. STATEMENT OF CLAIM CONTINUED

60N 10/2/06 I PERSONALLY ASKED COUNSELING REPRESENTATIVE MARK NOFTSGER IF HE WOULD BE ABLE TO HELP ME RETRIEVE ALL THE KITE'S THAT I HAVE SENT TO MEDICAL, DENTAL, AND MENTAL HEALTH AND TO THIS DATE RECIEVED NO REPLY. WHEN MARK WENT OUT OF HIS WAY TO PERSONALLY CHECK MY CLAIM WITH THE VARIOUS ENTITIES, HE RETURNED WITH NOTHING. HE WAS TOLD THAT IF I WANTED BACK ALL THE KITE'S, THAT I NEEDED TO SEND A KITE REQUEST-ING THEM BACK FROM EACH OF THE VARIOUS EXTITIES. I RESPONDED IN LIKE STATING THAT I HAD ALREADY SENT 5 KITES TO EACH AN AS OF YET HAD NO RESPONSE. HE TOLD ME THAT DAVID OSTER TOLD HIM THAT I SHOULD JUST ADD THAT AS ANOTHER CLAIM ON MY CIVIL RIGHTS VIOLATION COMPLAINT AS DENIAL OF ANY ACTION OR RESPONSE TO MY REQUESTS FOR ASSISTANCE. THESE DIFFERENT DETARTMENTS HAVE MADE IT THEIR DUTY TO IGNORE ME AND MY REQUESTS FOR ASSISTANCE AND HELP. THIS IS A TRAVISTY OF JUSTUSE AND MALPRACTICE ON THERE PART. ALSO A VIOLATION I FEEL OF DUE PROCESS.

V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

I FEEL I HAVE BEEN # IGNORED, PUT-OFF, ABUSED SINCE TURNING MYSECF INTO THIS JAIL ON 9/84/04 I ASK FOR COMPENSATION AND JUSTICE FOR UNDO PAIN AND SUFFERING, UNDO MENTAL ANGUISH, MENTAL SUFFERING, UNDO STRBS, WRONGFULL DENIAL OF MEDS, WRONGFULL DENIAL OF "ACCESS TO COURTS", AND CRUEL AND UN-USUAL PUNISHMENT IN THE AMOUNT OF \$250,000.00 AND IN THE FORM OF DENTAL CARE, MENTAL HEALTH ASSISTANCE, MEDICAL ASSISTANCE, MEDICAL ASSISTANCE, MEDICAL

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 26 day of SEPTEMBER 1206

(Signature of Plaintiff)

SNOHOMISH COUNTY CORRECTIONS SERVICE KITE

MODULE: Fq BED # 190
NAME: DAVID WEST CIN 91987 BIN# 108 D DATE: 9-5-04
CHECK APPROPRIATE BOX:
CHAPLAIN CLASSIFICATION COUNSELING KITCHEN
MEDICAL COMMISSARY SERGEANT MODULE OFFICER
PROPERTY RECORDS MENTAL HEALTH PROFESSIONAL
PUBLIC DEFENDER (SNOHOMISH CO.) AAA (EVERETT MUNI PUBLIC DEFENDER)
JAIL LAW LIBRARY OFFICE OF PUBLIC DEFENSE (PRETRIAL SERVICES)
ATTORNEY NAME: (IF KITE IS FOR ATTORNEY)
MESSAGE: I AM REPRESENTING MYSELF PRO-SE IN MY UPCOMING CASE. I NEED ACCESS TO THE LAW LIBRARY AND LEGAL PAPER AND PEN AS I AM INDIGENT AND MUST HAVE ACCESS TO COURTS AS PRESCRIBED BY THE SUPREME COURT
RESPONSE: Sec Memo
SIGNATURE:



SNOHOMISH COUNTY CORRECTIONS STEVE THOMPSON, DIRECTOR 3000 ROCKEFELLER AVENUE EVERETT, WA 98201 (425) 388-3395

MEMORANDUM

FO:	WEST, DAVID	91987	F4
FROM:	David Oster, Counseling	/ Classification Sup	ervisor

DATE: September 7, 2006

SUBJECT: Request For Law Library Materials

We have received your request for materials from the jail law library.

If your request is in reference to your criminal case and you are represented by the Public Defender's Office, Office of Public Defense; Association of Attorneys for the Accused or a private attorney, we cannot assist you. You are to contact your attorney regarding all issues related to your criminal case.

If you are pro se it is your burden to provide this department with written documentation from the court indicating your status. Please fill out the bottom portion and return. Once we have received this documentation, we will meet with you and determine the extent of services you will need, based on your circumstances.

If your request is in reference to a civil matter, the department can only assist you if you are challenging the conditions of or fact of your incarceration in this jail. If the civil matter you are pursuing does not meet these criteria, you cannot receive assistance from the jail law library and you are not to send further kites. If your request does meet these criteria, please send another kite stating clearly, what you are attempting to accomplish. We then meet with you, respond to your request with proper forms and instructions, or provide you a written denial of service.

It is our intent to provide the services we are legally required to provide. Although possibly inconvenient for you, we believe these guidelines meet those criteria.

Return to: Classification Office	
Court(s) and Case Number(s):	****
Prosecutors Name:	
Court Appointed standby Attorneys Name:	
Thank you	

AMXIETY
AMXIMY

Snohomish County Corrections	
Service Kite	
454	
MODULE: BED# 46	
NAME: DAVID WEST CIN# 91987 BIN# 1080 DATE: 9-12-06	
CHECK APPROPRIATE BOX:	
☐ CHAPLAIN ☐ CLASSIFICATION ☐ COUNSELING ☐ KITCHEN ☐ MEDICAL ☐ COMMISSARY ☐ SERGEANT ☐ MODULE OFFICER ☐ PROPERTY ☐ RECORDS ☐ MENTAL HEALTH PROFESSIONAL ☐ PUBLIC DEFENDER(SNOHOMISH COUNTY) ☐ AAA (EVERETT MUNICIPAL PUBLIC DEFENDER) ☐ JAIL LAW LIBRARY ☐ OFFICE OF PUBLIC DEFENSE (PRETRIAL SERVICES)	
ATTORNEY NAME:	
MESSAGE: L WANT INTO THE LAW LABRARY TO RESEARCH AND CHALLENGE THE CONSTITUTIONALLITY AND LEGISLITY OF THE CONDITIONS OF MY INCAMBERATION IS, LEAVING A PERSON TO SUFFER SERIOUS PAIN AND MENTAL ANGUISH IN JAIL BECAUSE OF THE FACT THEY ARE DISABLED AND HAVE NO MINEY ON THE BOCKS AT THIS TIME, AND TO DENY DENTAL, MENTAL HEALTH, AND MEDICAL HISSISTANCES OFER	/
SIGNATURES OVER	′
You were sent a form on 9/1/06 regarding Access to the Law Library If you are Not Pre Se on, an existing case you can not use the Library SCC Staff are not allowed to look up and possible	
Coses. SIGNATURE:	

IN LEWIS V. CASEY, 518 U.S. AT 355, 116

S.C.T. 2174. THE SUPREME COURT MADE

CLEAR THAT "ACCESS TO COURTS" PROJOUNCED

THAT STATES MUST PROVIDE A REASONABLY

ADEQUATE OPPORTUNITY TO FILE NON-FRIVOLOUS

LEGAL CLAIMS CHALLENGING THEIR CONVICTIONS

OR CONDITIONS OF CONFINEMENT.

SIGNATURE Deve Thus

hi-HSh

Case 2008-2:0014591653-JPD DOCUMENTO FIRMED VANDORDO POR PAGE 16 of 16

Snohomish County Corrections Service Kite

MODULE: 45_BED#	
NAME: DAVID WEST CIN# 91987 BIN# 108 DATE: 9-19-06	
CHECK APPROPRIATE BOX:	
□ CHAPLAIN □ CLASSIFICATION □ COUNSELING □ KITCHEN □ MEDICAL □ COMMISSARY □ SERGEANT □ MODULE OFFICER □ PROPERTY □ RECORDS □ MENTAL HEALTH PROFESSIONAL □ PUBLIC DEFENDER(SNOHOMISH COUNTY) □ AAA (EVERETT MUNICIPAL PUBLIC DEFENDER) □ JAIL LAW LIBRARY □ OFFICE OF PUBLIC DEFENSE (PRETRIAL SERVICES)	
ATTORNEY NAME:	
MESSAGE: I AM STILL WAITING TO GET TO THE LAW LIBRARY, IF I HAVE TO WAIT UNITLE GET OUT WEXT WEEK THE FIRST THING OUT IT WILL BE GOING TO THE LAW LIBRARY IN THE COURT HOUSE AND PUTTING TOGETHER MY LAY SUITCHRUE WILL THE COUNTIONS OF MIT INCAPICERATION I CONTOURED IN THE SERVICES, SIGNATURE: SIGNATURE:	E
RESPONSE:	
attached	

SIGNATURE:

EXIBIT E

Snohomish County Corrections Service Kite

25 21
MODULE: MS BED#
NAME: DAVID WEST CVN#9/987 BIN#/08D DATE: 9-19-06
CHECK APPROPRIATE BOX:
□ CHAPLAIN □ CLASSIFICATION □ COUNSELING □ KITCHEN □ MEDICAL □ COMMISSARY □ SERGEANT □ MODULE OFFICER □ PROPERTY □ RECORDS □ MENTAL HEALTH PROFESSIONAL □ PUBLIC DEFENDER(SNOHOMISH COUNTY) □ AAA (EVERETT MUNICIPAL PUBLIC DEFENDER) □ JAIL LAW LIBRARY □ OFFICE OF PUBLIC DEFENSE (PRETRIAL SERVICES)
ATTORNEY NAME:
MESSAGE: THE CONDITIONS OF MY INCARCERATIONS THAT HAS NOTHING TO DO WITH MY CASE OR THE PUBLIC
DEFENDER! I ONLY HAS TO DO WITH THE LAW SUIT I AM FILING HOWINST. THE THE MAIS THE DEMORAGLE CONDITIONS
SIGNATURE: 7
RESPONSE: See Memo.
you were sent one also on 9/1/06 to not received your information as outlined in the ments to velify
SIGNATURE: Part Pendry

Case 9:089 &	마 연판(전) 한당(한) SCC PRISO	Document61 F NER GRIEVAI	iĦi@10/0/108920889 NCE/APPEAL	EXIBIT 75K
tried all other ways of handling	rlevances in the oriental this problem, including	tion pamphlet. I <u>c</u> I writing a kite and	ertify that this is not a f d speaking to a staff m	rivolous grievance and that I have ember.
Signature Ami -	F Ount	0.000	· · · · · · · · · · · · · · · · · · ·	<u> </u>
NAME: <u>IDAU I DERAM</u>	(Print)	4198-1	MODULE:	DATE: 9.21.06
My grievance/appeal is about	: Operation of Modu	le	Food Se	_
Medical	Good Time	Disciplina	ary Action	Other DAUE OSTER /
Describe Problem & Requeste	ed Action:	سوند موسودترند بر –	- 0 =	1 / 0 - 20 14 7
				LAW LIBRARY TO
				EXITAL SERVICE, MEDICAL 355, 116 S. CT. 2174
				TATES INUST PROVIDE
				ON-FRIVOLOUS LEGAL
CLAIMS CHALLEN				
CONFINENTIA	LSO MITCHELL	V. MODRE 7	86 50. 2 1 52	(Fla 201) SUPLEME
COURT OF FLORIDAS		<i>-</i> 1		ALC /
Have you tried to solve this pr	roblem by speaking with	Staff? Yes/	NO Let will be not a	THUBBY ATTORNEY (WHICH
I MANT NEED THO CL	UIL CHSE) & To HA	as the answerr <u>c</u> g 7RO-SE / M	A CIVIL CASE HA	YWAY CO SO NEED TO
Have you filed a grievance be	fore on this subject? (N	19/ One / Two V	FOR THIS CIVIL Vho answered it?	YWAY SO NO NEED TO
Received from prisoner by: _	90 Rya	J#4405		9/21/06 C510 (Date/Time)
Delivered to:	Shift Commander (Modu	ile Operations, pr	operty, lockdown)	
<u> </u>	Program Supervisor (foo	d, medical, com	nissary, counseling, W	ork Release)
/	Administrative Officer (di	iscipline) _ _	Classification	(good time, housing assignment)
	Manager (2nd grievance)) Dir	ector (3rd grievance)	
Received by: S MCQ	wen MUSIO			9 27 06 060 (Date/Time)
Answer: On 9/25	loce I not	with	ou to 1	iscuss your
wish to Cl	le a low.	suit r	egardina	conditions of
confinement	- I pro	vided ,	lod wit	h the necessor
papers + 6	DIMS to	initia	to a C	ivil Pights
Claim In	Federa	100	ext.	
Signature:	riel Mals	Too D.	avid M OST	6/ Date: 9/21/06
Delivered to prisoner by:	96 Ryant	4405	9/28/ _{(Dete/T}	(0145) (Prisoner Initial)
Only one grievance per form. answer. Attach copy of previo	Prisoners not satisfied was response(s).	vith response mu:	st refile grievance with	in three (3) work days of receiving

Yellow: Response to Prisoner

Pink: Prisoner

Distribution

SCC-80

White: SCC File

Case 2:008-2100145511653-1415 | 1200-1111-1116 | FIFA-1011-1016200-1899-14 SCC PRISONER GRIEVANCE/APPEAL I have read the rules for filing grievances in the orientation pamphlet. I certify that this is not a frivolous grievance and that I have tried all other ways of handling this problem, including writing a kite and speaking to a staff member. Signature MODULE: 25 My grievance/appeal is about: Food Service ... Operation of Module _____ Medical DEXITH Good Time ______ Disciplinary Action _____ Describe Problem & Requested Action: SINCE MY BOOKING AFTER TURNING MYELF HAVE SUBMITTED 10 OR MARE KITES TO DENTAK THE MEDICAL DEPT. ABOUT BROKEN TEETH THAT I HAVE ISECHUSE OF THEM! HS OF THIS TIME EVEN ONE RESPONCE TROM MUYONE. 3 WEEKS KECEIVED I TRUROFAMILL Have you tried to solve this problem by speaking with Staff? Yes/ No Who? NURSE PASSING WEDS What was the answer? SORRY, GIVEN I IBUPROPANTIM 3 WEEKS Have you filed a grievance before on this subject? No One / Two Who answered it?_ Delivered to: Shift Commander (Module Operations, property, lockdown). Program Supervisor (food, medical) commissary, counseling, Work Release) Administrative Officer (discipline) Classification (good time, housing assignment) Manager (2nd grievance) _____ Director (3rd grievance) Answer:

(Staff) / (Dete/Time) (Prisoner initial)

Only one grievance per form. Prisoners not satisfied with response must refile grievance within three (3) work days of receiving answer. Attach copy of previous response(s).

Date: <u>⊴/</u>⊳

Signature:

Delivered to prisoner by:

SNOHOMISH COUNTY CORRECTIONS

MENTAL HEALTH MEMO TO INMATE

Name_	West, VAVIL CIN# 91987 Module US
We rec	eived your referral/request and are responding as follows:
0	If you are kiting about sleep disturbance, please refer to the Sleep Management Memo for suggestions on how to cope.
·	Your request for medications has been referred to medical. (Please note that if you do not have a current script from your community provider, you will be placed on a 30 day waiting list prior to review by the psychiatric provider).
u	We do not provide routine counseling or therapy sessions for inmates.
-	We must prioritize all inmate requests/referrals. Please re-kite with more specific information for our review and determination on how to proceed.
0	We recommend that you follow up with your personal care provider to address your issues after your release from jail (in some instances, this is solely due to a short jail stay wherein you will be released within the next 30 days).
٥	We do not perform court-ordered mental health evaluations.
	Your issues are outside the scope of the MHP office and have been referred to:
	> Medical staff
	> Sergeant's office
	➤ Classification/Counseling staff
	> Jail Administration
	> Other
S	taff comments:
	5/29/b6
	Mental Health Staff